HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO : 11250 of 2006

08-06-2006

Between:
Bada Mohana Rao s/o Sankurudu, 40 years, r/o Gondulu village, Addateegala Mandal, E.G.District.

..... PETITIONER

AND

1. The Govt. of Andhra Pradesh, rep. By its Prl. Secretary, Social Welfare Department, Secretariat, Hyderabad. And others.

.....RESPONDENTS

HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO : 11250 of 2006

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

The petitioner claims that he belongs to Valmiki Community (S.T.). He relies upon the Community Certificates dated 07-03-1984 and 08-09-1990 issued by the 3rd respondent-Mandal Revenue Officer, Addateegala. However, 2nd respondent-District Collector, East Godavari District, having initiated proceedings under the provisions of the A.P. (S.C., S.T.,B.C.) Regulations of Issue of Community Certificate Act, 1993, by order dated 09-03-2006 cancelled the community certificate issued in favour of the petitioner holding that the same was obtained fraudulently. Aggrieved by the same, the petitioner preferred an appeal before 1st respondent-Principal Secretary, Social Welfare Department, Secretariat, Hyderabad, and also filed an application seeking stay of operation of the order of 2nd respondent dated 09.03.2006. Respondent No.1 by order dated 19-04-2006 rejected the application of the petitioner for stay and posted the appeal for hearing. Questioning the said order of 1st respondent dated 19-04-2006, this writ petition is filed.

The petitioner contends that the findings recorded by 2nd respondent are erroneous and basing on the order of cancellation dated 09-03-2006 the respondents are contemplating to initiate criminal proceedings against the petitioner. It is also pleaded that if the order of

the 2nd respondent is given effect to, the petitioner is likely to lose his employment resulting in great hardship.

Having regard to the facts and circumstances of the case and keeping in view that the statutory appeal is still pending before 1st respondent, I deem it appropriate to direct the respondents not to take any coercive steps against the petitioner till the disposal of the statutory appeal pending before 1st respondent.

Accordingly, the writ petition is disposed of with a direction to 1st respondent to dispose of the appeal pending on its file as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of the order. Till such time, the respondents are directed not to take any coercive steps including criminal proceedings against the petitioner in pursuance of the order of cancellation dated 09-03-2006. No costs.

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08-06-2006

MjI/*